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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,433	03/18/2004	Mark Smith	81090716	5414

22844 7590 05/24/2005

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EXAMINER

TAPOLCAI, WILLIAM E

ART UNIT PAPER NUMBER

3744

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TWT

Office Action Summary

Application No.

10/803,433

Applicant(s)

SMITH, MARK

Examiner

William E. Tapolcai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040318</u> | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6-8, 13-15, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. Ito et al discloses a localized volume (the rear of the vehicle) which is cooled by a heat exchanger element 2 located adjacent to the volume and including a sensor 35 for detecting the temperature of the air flowing through the air duct.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. Ito et al discloses the claimed invention except for the arrangement of the openings to the localized volume. The arrangement of the openings from the duct to the volume is considered to be a matter of obvious design choice to one of ordinary skill in the art, as no criticality or unexpected results are seen or have been disclosed for the claimed arrangement of the openings being in one wall and the floor of the volume. Furthermore, one of ordinary skill in the art would be able to come up with the claimed arrangement without undue experimentation.

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5. Claims 3, 4, 9, 10, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al in view of Kochavi et al. Ito et al discloses the claimed invention except for the first and second sensors. Kochavi et al teaches an air conditioning device having a first sensor 59 and a second sensor 57 for detecting the temperature of the air entering and leaving the air duct. It would be obvious to modify Ito et al to provide first and second sensors in the air duct 4, in view of Kochavi et al, for the purpose of providing more precise control of the temperature.

6. Claims 5, 11, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al in view of Kusakabe. Ito et al discloses the claimed invention except for the control valve. Kusakabe teaches an air conditioner for a vehicle having a localized volume 1 with an evaporator and a control valve 31 for controlling refrigerant flow thereto. It would be obvious to provide Ito et al with a control valve for the evaporator 2, in view of Kusakabe, for the purpose of more precise control of the temperature of the evaporator 2.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al in view of Newman. Ito et al discloses the claimed invention except for the localized volume being located in the storage area of the vehicle. Newman teaches an apparatus for cooling a localized volume 26 which is located in the storage area of the vehicle 20. It would be obvious to locate the localized volume of Ito et al in the storage area of the vehicle, in view of Newman, for the purpose of providing cooling of food items placed therein.

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8. Claim 1 recites the limitation "said evaporator core element" in line 10 of page 7.

There is insufficient antecedent basis for this limitation in the claim.


9. Claim 1 recites the limitation "said evaporator core" in line 17 of page 7. There is insufficient antecedent basis for this limitation in the claim.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Tapolcai whose telephone number is (571) 272-4814. The examiner can normally be reached on Mon. - Thurs., 6:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William E. Tapolcai
Primary Examiner
Art Unit 3744

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May 12, 2005